

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

DONALD M. PEDEN, JR.,

Plaintiff,

v.

DAVIDSON COUNTY SHERIFF'S OFFICE,
OFFICER HAWKINS, OFFICER JONES,

Defendants.

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No. 3:13-cv-0915

Judge Sharp

ORDER

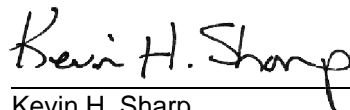
Plaintiff Donald Peden has filed a notice of appeal in this action (ECF No. 9). The notice, however, was not accompanied either by an application to proceed as a pauper on appeal or by the requisite \$455 appellate filing fee. At the time the order of dismissal was entered in this case, the Court certified that an appeal of this matter would not be in good faith and also gave notice that the plaintiff would not be granted leave by this Court to proceed on appeal as a pauper. (Docket Entry Nos. 4 and 5.) The plaintiff is again instructed that he is **DENIED** leave to proceed as a pauper on appeal.

Pursuant to Rule 24(a)(5) of the Federal Rules of Appellate Procedure, the plaintiff may nonetheless file, within **30 days** after service of this order, a motion directly in the Sixth Circuit Court of Appeals for leave to proceed as a pauper on appeal. *Owens v. Keeling*, 461 F.3d 763, 775 (6th Cir. 2006); *Callihan v. Schneider*, 178 F.3d 800, 803 (6th Cir. 1999). The motion should comply with the requirements stated in Rule 24 of the Federal Rules of Appellate Procedure.

The plaintiff is notified that if he does not file a motion in the Sixth Circuit Court of Appeals within 30 days of receiving notice of this order and subsequently obtain leave of that court to proceed without prepayment of the appellate filing fee, or if he fails to pay the required appellate filing fee of \$455.00 within this same time period, the appeal may be dismissed for want of prosecution. *Callihan*, 178 F.3d at 804.

The Clerk of Court is **DIRECTED** to furnish a copy of this Order to the Sixth Circuit Court of Appeals.

It is so **ORDERED**.



Kevin H. Sharp
United States District Judge